

HOUSE BILL 864
EMERGENCY BILL

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A2

2004 Regular Session
4r2070
CF 4r2081

By: **Delegate Love (Chairman, Anne Arundel County Delegation)**

Introduced and read first time: February 9, 2004

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Anne Arundel County - Alcoholic Beverages Licenses -**
3 **Baltimore-Washington International Airport**

4 FOR the purpose of allowing certain sublessees at any airport to obtain airport
5 concessionaire licenses to sell alcoholic beverages within airport terminal
6 buildings; authorizing certain persons at Baltimore-Washington International
7 Airport to hold one or more airport concessionaire licenses for the Airport, even
8 if they already hold one or more other licenses issued by the Board of License
9 Commissioners of Anne Arundel County; specifying that this Act does not apply
10 to duty free shops; allowing the Board to issue two airport concessionaire
11 licenses for the same premises or concessionaire space at the Airport for a
12 certain purpose under certain conditions; requiring that the Board give
13 precedence to certain license applications; requiring the Board to hold hearings
14 on certain license applications at the Board meeting that immediately follows
15 receipt of the applications; making conforming and stylistic changes; making
16 this Act an emergency measure; and generally relating to alcoholic beverages
17 licenses at Baltimore-Washington International Airport.

18 BY repealing and reenacting, without amendments,
19 Article 2B - Alcoholic Beverages
20 Section 8-202(a)
21 Annotated Code of Maryland
22 (2001 Replacement Volume and 2003 Supplement)

23 BY repealing and reenacting, with amendments,
24 Article 2B - Alcoholic Beverages
25 Section 8-202(g) and 9-102(a)
26 Annotated Code of Maryland
27 (2001 Replacement Volume and 2003 Supplement)

28 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
29 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 2B - Alcoholic Beverages**

2 8-202.

3 (a) This section applies only in Anne Arundel County.

4 (g) (1) There is an airport concessionaire license.

5 (2) (I) An individual, association of individuals, or a corporation which
6 is a lessee, SUBLESSEE, or a concessionaire at any airport, without further residential,
7 voting or locative qualifications, may [procure a] OBTAIN AN AIRPORT
8 CONCESSIONAIRE license for the sale of any and all alcoholic beverages within [the
9 confines of] the airport terminal buildings.

10 (II) 1. THIS SUBPARAGRAPH DOES NOT APPLY TO DUTY FREE
11 SHOPS.

12 2. A PERSON WHO IS A LESSEE, SUBLESSEE, OR
13 CONCESSIONAIRE AT BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT MAY
14 HOLD ONE OR MORE AIRPORT CONCESSIONAIRE LICENSES FOR
15 BALTIMORE-WASHINGTON INTERNATIONAL AIRPORT, EVEN IF THE PERSON
16 ALREADY HOLDS ONE OR MORE ALCOHOLIC BEVERAGES LICENSES OF ANY OTHER
17 TYPE ISSUED BY THE BOARD.

18 (III) 1. THE BOARD MAY ISSUE A SECOND AIRPORT
19 CONCESSIONAIRE LICENSE FOR A LEASED PREMISES OR CONCESSIONAIRE SPACE
20 THAT IS ALREADY LICENSED AT BALTIMORE-WASHINGTON INTERNATIONAL
21 AIRPORT TO MAINTAIN SERVICE DURING A TRANSITION INVOLVING DIFFERENT
22 LICENSEES; BUT

23 2. THE FIRST AIRPORT CONCESSIONAIRE LICENSE SHALL
24 EXPIRE WHEN THE PRIVILEGES UNDER THE SECOND ARE EXERCISED.

25 (IV) ON RECEIPT OF AN APPLICATION FOR AN AIRPORT
26 CONCESSIONAIRE LICENSE UNDER SUBPARAGRAPH (II) OR (III) OF THIS PARAGRAPH,
27 THE BOARD SHALL:

28 1. GIVE PRECEDENCE TO THE APPLICATION OVER ALL
29 OTHER LICENSE APPLICATIONS; AND

30 2. HOLD A HEARING ON THE APPLICATION AT THE BOARD
31 MEETING THAT IMMEDIATELY FOLLOWS RECEIPT OF THE APPLICATION.

32 (3) (i) The annual license fee is \$5,000.

33 (ii) The fee shall be paid on May 1 to the Board.

34 (iii) The licensee may sell alcoholic beverages every day at one or
35 more locations within the airport terminal buildings.

36 (iv) The license permits the playing of music and dancing.

1 (v) The provisions of subsection (d) of this section relating to special
2 Sunday licenses do not apply to the holder of a license issued under this subsection.

3 (4) Licenses and licensees are subject to all laws and regulations
4 applicable to the sale of alcoholic beverages not inconsistent with the provisions of
5 this section.

6 9-102.

7 (a) No more than one license provided by this article, except by way of renewal
8 or as otherwise provided in this section, shall be issued in any county or Baltimore
9 City, to any person, or for the use of any partnership, corporation, unincorporated
10 association, or limited liability company, in Baltimore City or any county of the State,
11 and no more than one license shall be issued for the same premises except as provided
12 in §§ 2-201 through 2-208, 2-301, and 6-701, and nothing herein shall be construed
13 to apply to [subsections (b) and (c) of] § 7-101(B) AND (C), § 8-202(G)(2)(II) AND (III), or
14 [to] § 12-202 [(pertaining to special music or dancing licenses for Anne Arundel
15 County)] of this article.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
17 measure, is necessary for the immediate preservation of the public health or safety,
18 has been passed by a ye and nay vote supported by three-fifths of all the members
19 elected to each of the two Houses of the General Assembly, and shall take effect from
20 the date it is enacted.